

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GLENN T. TURNER,

Plaintiff,

v.

ORDER

LEBBEUS BROWN, HEIDI BLOYER,
JULIE BULMANN, and ZACHARY BERGER,

17-cv-764-jdp

Defendants.

Pro se plaintiff Glenn T. Turner is proceeding to trial on October 7, 2019, with First and Eighth Amendment claims against prison officials at Wisconsin Secure Program Facility. Before the court are Turner's motion to compel discovery, Dkt. 61, and motion for sanctions, Dkt. 63. I will deny both motions.

In his motion to compel, Turner says that defendants have refused to provide documents responsive to his request for copies of electronic communications relating to plaintiff. In opposition, defendants say that when they responded to Turner's original discovery requests, they informed him that they needed additional time to perform the complex email searches and sorting necessary to identify responsive documents. On July 16, 2019, defendants provided to Turner a supplemental discovery response consisting of 131 pages. The supplemental response was marked BATES 042–172.

Turner did not file a reply brief in support of his motion to compel. But he did file a motion for sanctions, stating that he has not received all the documents responsive to his discovery request. He says that because the supplemental response did not include BATES 001–041, defendants must be intentionally withholding 41 pages of documents from him. But Turner is mistaken. As defendants explain, BATES 001–041 were mailed to Turner previously

as part of various discovery responses in October 2018, and those documents are not responsive to Turner's request for copies of electronic communications.

Because defendants have now provided the documents responsive to Turner's discovery request, Turner's motion to compel is moot. His motion for sanctions is based on his confusion about how defendants numbered the responsive documents. Therefore, I will deny both motions.

ORDER

IT IS ORDERED that:

1. Plaintiff Glenn Turner's motion to compel, Dkt. 61, is DENIED as moot.
2. Plaintiff's motion for sanctions, Dkt. 63, is DENIED.

Entered August 22, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge